



## Senator Ted W. Lieu

### 28<sup>th</sup> Senate District

# SB 1210

## Victim Restitution

## Fact Sheet

### **Purpose:**

Last year, AB 109 realigned public safety services in California. As part of the Realignment plan thousands of convicted felons are no longer being sent to the California Department of Corrections and Rehabilitation (CDCR), instead they are being housed in local jails. Unfortunately, the Realignment plan failed to give sheriffs the authority to collect restitution for victims from these convicted felons. SB 1210 corrects this oversight by providing California's sheriffs the authority to collect restitution from these offenders in order to help the victims of their crimes receive the restitution they are rightfully due.

### **Background:**

Restitution is mandated by the California Constitution and was amended in 1989 to explicitly state that it is "the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer." (Cal. Const., Art. I §28, subd. (b)(13)(A).)

As part of a defendant's sentence, a court will order the defendant to pay restitution to their victims for the losses suffered by the victim as a result of the defendant's criminal activity. In order to help crime victims collect the restitution they are constitutionally due, CDCR deducts a minimum of 20% up to a maximum of 50% from the wages and trust account deposits a prisoner has and transfers that money the California Victim Compensation and Government Claims Board for direct payment to the victim.

As part of last year's Realignment plan defendant's convicted of certain felony crimes must be incarcerated in county jails rather than a state prison. Unfortunately when this occurs the Realignment plan failed to include any provisions for the collection of restitution by county sheriffs.

### **This Bill:**

SB 1210 provides local governments with the same authority the state has to collect restitution from these offenders in order to help the victims of their crimes and

to collect fines owed to the state when offenders are incarcerated in a county jail instead of a state prison.

SB 1210 would also give counties the right to collect a parole revocation fine when an offender violates parole after being incarcerated in county jail instead of state prisons. The parole revocation fines are used by the California Victim Compensation Program to help cover treatment and other support services for victims and their families.

Right now felons who are sentenced to county jail rather than state prison pursuant to California's newly enacted realignment plan are not paying their victims for the losses they caused by their criminal activity, despite the requirement in California's constitution that victims have a right to restitution from their perpetrators for the losses they suffered, nor are parolees who are serving their parole revocation in county jails instead of state prisons paying their parole revocation fines. These oversights must be corrected so that crime victims receive the restitution they deserve and so that these prisoners do not receive an unforeseen windfall from the Realignment plan.

### **Sponsors:**

Los Angeles County District Attorney's Office(Sponsor)  
California District Attorney's Association(Co-Sponsor)  
Crime Victims Action Alliance(Co-Sponsor)

### **Support:**

California Police Chiefs Association  
California State Association of Counties  
Crime Victims United of California  
PORAC  
Chief Probation Officers of California

### **Oppose:**

None

### **Staff Contact:**

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